




quantities of crack cocaine that would subject a Defendant to particular mandatory-minimum sentence and eliminated the mandatory-minimum sentence that previously applied to simple possession of crack cocaine. 124 Stat. at 2372. Section 404(c) of the Act makes clear that “[n]o court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed . . . in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010.”

Defendant pleaded guilty to conspiracy to possess with intent to distribute on August 24, 2012, nearly two years after the effective date of the Fair Sentencing Act. This Court sentenced Defendant one year later in September of 2013. Because Defendant was sentenced after the Fair Sentencing Act became effective, he has already received any benefit of that Act. Wood is not eligible for relief under the First Step Act, and the court denies Wood's motion. See First Step Act, § 404(c), 132 Stat. at 5222; see also United States v. Aranzubia, No. 3:16-CR-161-FDW, 2021 WL 4785502, at \*2 (W.D.N.C. Oct. 13, 2021) (finding the defendant ineligible because he pleaded guilty and was sentenced after the First Step Act’s effective date and denying motion to reduce sentence); United States v. Wood, No. 2:11-CR-36-D, 2021 WL 5500685, at \*2 (E.D.N.C. Nov. 19, 2021) (same).

IT IS THEREFORE ORDERED that Defendant’s Motion (Doc. No. 358) is DENIED.

IT IS SO ORDERED.

Signed: December 17, 2021

  
Frank D. Whitney  
United States District Judge